

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DX/DY VOICE PROCESSING, INC.,  
an Arizona corporation,

Plaintiff,

V.

NO. CV-07-0059-EFS

TELIGENCE CORPORATION, a British Columbia corporation; TELIGENCE (CANADA) LTD., a British Columbia corporation; TELIGENCE (US), INC., a Nevada corporation; TELIGENCE HOLDINGS INC., a Nevada corporation; ROBERT J. MADIGAN, a citizen of Canada; JOHN MADIGAN, a citizen of Canada; FIRST MEDIA GROUP, INC., a Canadian corporation; FIRST MEDIA GROUP LLC, a Delaware corporation; and JOHN DOES 1-100;

ORDER GRANTING DEFENDANTS'  
MOTION FOR LEAVE TO FILE  
DEFENDANTS' STATEMENT IN  
COMPLIANCE WITH LR 56.1(c)

## Defendants.

TELIGENCE (CANADA) LTD., a  
British Columbia corporation,  
and TELIGENCE (US), INC., a  
Nevada corporation.

Counterclaim Plaintiffs.

V.

DX/DY VOICE PROCESSING, INC.,  
an Arizona corporation, and  
JEFFREY SMITH, an individual.

### Counterclaim Defendants.

1 Before the Court, without oral argument, is Defendants' Motion for  
2 Leave to File Defendants' Statement in Compliance with LR 56.1(c).  
3 (Ct. Rec. 222.) On July 17, 2008, Defendants timely filed their Reply  
4 in Support of Teligence and Madigan Defendants' Motion for Summary  
5 Judgment that Claims 1, 2, 38 and 65 of the '768 Patent are Invalid Due  
6 to "On Sale" Activity. (Ct. Rec. 213.) Attached to Defendants' summary  
7 judgment reply is an appendix section that generally adheres with Local  
8 Rule 56.1(c). After realizing that this appendix section does not  
9 explicitly adhere with Local Rule 56.1(c), Defendants promptly filed a  
10 Statement in Compliance with LR 56.1(c) (Ct. Rec. 223) that does.  
11 Defendants ask the Court treat this statement, filed July 22, 2008, as  
12 timely. Based on Defendants' representation that the late-filed  
13 statement contains no new facts or arguments, the Court finds good cause  
14 exists to treat the statement as timely.

15 Accordingly, **IT IS HEREBY ORDERED:** Defendants' Motion for Leave to  
16 File Defendants' Statement in Compliance with LR 56.1(c) (**Ct. Rec. 222**)  
17 is **GRANTED**. Defendants' Statement in Compliance with LR 56.1(c)  
18 (**Ct. Rec. 223**), filed July 22, 2008, is **ACCEPTED**.

19       **IT IS SO ORDERED.** The District Court Executive is directed to enter  
20 this Order and to provide copies to counsel.

21 | **DATED** this 25th day of July 2008.

23 s/Edward F. Shea  
EDWARD F. SHEA  
24 United States District Judge

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